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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,970

04/16/2004

David M. Spiess JR.

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8223

36074

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05/16/2008

TAFT, STETTINIUS & HOLLISTER LLP

SUITE 1800

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CINCINNATI, OH 45202-3957

EXAMINER

ANWARI, MACEEH

ART UNIT

PAPER NUMBER

2144

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,970

**Applicant(s)**

SPIESS ET AL.

**Examiner**

MACEEH ANWARI

**Art Unit**

2144

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1- 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 9/13/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is the initial Office action based on the 10/825,970 application filed on 04/16/2004. **Claims 1-26**, as originally filled, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 18- 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant mentions *a step of sending a validation sequence to said alarm-relay*, however it is unclear what is doing the *sending*.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1- 5, 15, 20- 23 and 25- 26** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kirtland** U.S. Publication No.: 2004/0015294 A1.

**Claim 1:** A method of alerting a user of an occurrence on a computerized system, said method comprising the steps of: detecting said occurrence on said

computerized system (Figures 1-2 and Abstract; Emergency and/or disaster sensing/warning system); transmitting a signal indicative of said occurrence from said computerized system to an alarm-relay device (Figures 1-2 and Abstract; communication network); and communicating said signal from said alarm-relay device to a residential alarm system (Figures 1-2 and Abstract; warning message to individuals located in the region).

**Claim 2:** wherein said computerized system is a computerized system having a communication port, and wherein said signal is transmitted from said computerized system to said alarm-relay device via said communications port (Figures 1-2 and Abstract and Par. 22; serial port).

**Claim 3:** wherein said communication port is taken from a group consisting of a serial port, a USB port, an infrared port, and a parallel port (Figures 1-2 and Abstract and Par. 22; serial port).

**Claim 4:** wherein said system is a personal computer system having the ability to detect said occurrence (Figures 1-2 and Abstract and Par. 13; personal computer).

**Claim 5:** wherein said occurrence is an alert that power to said personal computer system has been terminated or disrupted (Figures 1-2 and Abstract and Par. 8-9; power-down sequence, generating warning signals).

**Claim 15:** wherein said system is a cell phone having the ability to detect said occurrence (Figures 1-2 and Abstract and Par. 7; cellular PCS or other wireless telecommunications networks and microcomputer monitoring circuit).

**Claim 20:** wherein said signal is transmitted over an attached cable (Figures 1-2 and Abstract; wired telephones).

**Claim 21:** wherein said signal is transmitted over a wireless connection (Figures 1-2 and Abstract and Par. 7; cellular PCS or other wireless telecommunications networks).

**Claim 22:** wherein said communication of said signal from said alarm-relay device to an alarm system is not reliant upon an internet connection with a global computer network (Figures 1-2 and Abstract and Par. 8; telephone network, paging system, and ).

**Claim 23:** wherein said alarm system is a conventional, residential security alarm system (Figures 1-2 and Abstract; Emergency and/or disaster sensing/warning system).

**Claims 25- 26** list no new elements and are therefore rejecting using the same rationale as in **claims 1- 23**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 6- 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over

**Kirtland**, and further in view of **Dervan et al.** (hereinafter **Dervan**) U.S. Publication No.: 2002/0042882 A1.

7. Regarding **Claims 6- 8**, **Kirtland** discloses the invention as discussed above.

However, **Kirtland** remains silent on the specific teachings of said occurrence(s) being an alert that a virus has been detected, or that critical heat levels have been reached or that an unauthorized use of a computer program has occurred.

In the same field of endeavor, **Dervan** discloses the specific teachings of said occurrence(s) being an alert that a virus has been detected, or that critical heat levels have been reached or that an unauthorized use of a computer program has occurred (Par. 75, 90, 97 and 99; virus warnings, controlling/monitoring ambient temperatures, and alerting/detecting unauthorized users).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Dervan's** teachings of computer security system for monitoring for viruses, unauthorized users and critical heat levels with the teachings of **Kirtland**, to provide for a more efficient and secure computing systems.

8. Regarding **claim 9**, **Kirtland-Dervan** discloses wherein said system is a laptop computer system having the ability to detect said occurrence (The Examiner takes Official Notice).
9. Regarding **claim 14**, **Kirtland-Dervan** discloses wherein said system is a personal digital assistant having the ability to detect said occurrence (The Examiner takes Official Notice).
10. **Claims 10- 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kirtland**, and further in view of **Kimber et al.** (hereinafter **Kimber**) U.S. Patent No.: 5,903,716.

**Kirtland** discloses the invention as disclosed above.

However, **Kirtland** remains silent on the specific teaching wherein said system is a copying machine having the ability to detect said occurrence (i.e. low toner, paper jam and low paper).

In the same field of endeavor, **Kimber** discloses wherein said system is a copying machine having the ability to detect said occurrence (Figure 4 and Abstract; monitoring toner/paper/ and paper jam status).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Kimber's** teachings of copy machines having the ability to detect the status of toner, and paper in a copy machine with the teachings of **Kirtland** to provide for a more efficient and secure copying system.

11. Regarding **claim 16**, **Kirtland-Kimber** discloses wherein said system is a printer having the ability to detect said occurrence(s) (The Examiner takes Official Notice).

12. **Claims 18- 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kirtland**, and further in view of **Baldwin et al.** (hereinafter **Baldwin**) U.S. Publication No.: 2004/0039924 A1.

**Kirtland** discloses the invention as disclosed above.

However, **Kirtland** remains silent on the specific teachings of sending a validation sequence to said alarm-relay device prior to said transmitting step and wherein said validation sequence includes a key sequence.

In the same field of endeavor, **Baldwin** discloses sending a validation sequence to said alarm-relay device prior to said transmitting step and wherein said validation sequence includes a key sequence (Figures 1- 9 and Abstract; master key and application keys).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Baldwin's** teachings of using cryptographic keys for accessing applications within a computing device with the teachings of **Kirtland** to provide for a more efficient and reliable/secure way to authenticate devices within a computing system.

13. Regarding **claim 17**, **Kirtland-Dervan** discloses wherein said system is a firewall having the ability to detect said occurrence (The Examiner takes Official Notice).



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14. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kirtland**, and further in view of **Blankenship et al.** (hereinafter **Blankenship**) U.S. Publication No.: 2007/0264971 A1.

**Kirtland** discloses the invention as disclosed above.

However, **Kirtland** remains silent on the specific teachings of transmitting a still-alive signal from a computerized system.

In the same field of endeavor, **Blankenship** discloses the specific teachings of transmitting a still-alive signal from a computerized system (Par. 47 and claims 27-28; keep alive signals, and performance parameters).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Blankenship's** teachings of monitoring performance parameters in a communication device with the teachings of **Kirtland** to provide for a more efficient and secure computing/security systems.

**Examiner Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is

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(571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2144